. ATENT COOPERATION TRE TY

DCT	From the INTERNATIONAL BUREAU
РСТ	То:
NOTIFICATION OF ELECTION (PCT Rule 61.2)	Assistant Commissioner for Patents United States Patent and Trademark Office Box PCT
Date of mailing (day/month/year) 02 October 2000 (02.10.00) International application No. PCT/US00/01553 International filing date (day/month/year) 21 January 2000 (21.01.00) Applicant	Washington, D.C.20231 ETATS-UNIS D'AMERIQUE in its capacity as elected Office Applicant's or agent's file reference 201642 Priority date (day/month/year) 22 January 1999 (22.01.99)
KOBAYASHI, Masakazu et al	
in a notice effecting later election filed with the Inte	
The International Bureau of WIPO	Authorized officer
34, chemin des Colombettes	

Zakaria EL KHODARY

1211 Geneva 20, Switzerland

P. TENT COOPER	ATION TREAT.
18670 Pr. TENT COOPER	From the INTERNATIONAL BUREAU
PCT NOTIFICATION OF ELECTION (PCT Rule 61.2) Date of mailing (day/month/year) 02 May 2001 (02.05.01)	Commissioner C 2000 C
International application No. PCT/US99/20997	Applicant's or agent's file reference 120352/ML-04
International filing date (day/month/year) 13 September 1999 (13.09.99)	Priority date (day/month/year) 14 September 1998 (14.09.98)
Applicant	
ZAVISLAN, James, M. et al	
1. The designated Office is hereby notified of its election made X in the demand filed with the International Preliminary 12 April 2000 (**) in a notice effecting later election filed with the International Preliminary 12 April 2000 (**) The election X was was not made before the expiration of 19 months from the priority of Rule 32.2(b).	Examining Authority on: 12.04.00) ational Bureau on:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

Antonia Muller

Telephone No.: (41-22) 338.83.38

Facsimile No.: (41-22) 740.14.35

PCT

WORLD INTELLECTUAL PROPERTY ORGANIZATION International Bureau



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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A61B 5/05, G01N 21/64

(11) International Publication Number:

WO 00/15021

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(21) International Application Number:

PCT/US99/20997

A3

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13 September 1999 (13.09.99)

(30) Priority Data:

60/100,179

14 September 1998 (14.09.98) US

(71) Applicant (for all designated States except US): LUCID, INC. [US/US]; 235 Middle Road, Henrietta, NY 14467 (US).

(72) Inventors; and

- (75) Inventors/Applicants (for US only): ZAVISLAN, James, M. [US/US]; 5 Wandering Trail, Pittsford, NY 14534 (US). GREENWALD, Roger, J. [US/US]; 16787 Ridge Road, Holley, NY 14470 (US).
- (74) Agent: LUKACHER, Kenneth, J.; Harris Beach & Wilcox, LLP, The Granite Building, 130 East Main Street, Rochester, NY 14604-1687 (US).

(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

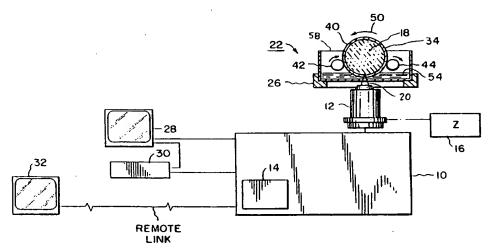
Published

With international search report.

(88) Date of publication of the international search report:

21 September 2000 (21.09.00)

(54) Title: IMAGING OF SURGICAL BIOPSIES



(57) Abstract

In order to determine, rapidly and without the delay required by conventional tissue preparation techniques for pathological examination (freezing, sectioning, staining, etc.), whether, an excision, which may be a biopsy sample, is representative of the morphology of interest of whether an excisional biopsy in which the tissue taken completely removes the abnormality is, in either case, the tissue which is desired to be excisioned, the tissue specimen (18) in encapsulated, preferably as part of the biopsy procedure. The encapsulated tissue is contained in an optically transparent cassette (34). The cassette (34) or an endcap (38) enclosing the cassette is marked with a fiducial (40) indicating and corresponding to the location of the excision on the patient's body. An image, which is preferably a representation of a surface of he issue specimen and the vertical section(s) area of the tissue internal of the specimen and adjacent to a surface thereof, is obtained by means of an electro-optical imaging system (10), preferably a confocal laser scanning microscope. The cassette is moved, preferably in a stage (22) which rotates the cassette while translating it, so that the head (12) of the confocal microscope (its objective lens) provides a linear scan in a direction perpendicular to the wall of the cassette (also perpendicular to the surface of the tissue encapsulated in the cassette). The display (28) from the microscope indicates the morphology at and in proximity to the surface of the specimen as well as the location thereof. The pathologist and the surgeon is thereby provided with information concerning the specimen and whether the entire abnormality desired to be removed has indeed been removed and/or whether the biopsy is representative of the body region of interest in the case of a biopsy sample.

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EE	Estonia	LR	Liberia	SG	Singapore		

INTERNATIONAL SEARCH REPORT

International application No. PCT/US99/20997

IPC(7)	SSIFICATION OF SUBJECT MATTER A61B 5/05; G01N 21/64					
US CL: 600/407, 414, 415, 476; 356/368; 250/216, 234, 461.2 According to International Patent Classification (IPC) or to both national classification and IPC						
B: FIELDS SEARCHED						
	ocumentation searched (classification system followed	by classification symbols)				
U.S. :	600/407, 414, 415, 421, 476; 356/368; 250/216, 234, 4	61.1, 461.2				
Documentat NONE	ion searched other than minimum documentation to the	extent that such documents are included	in the fields searched			
Electronic d USPTO A	ata base consulted during the international search (name PS EAST	e of data base and, where practicable,	search terms used)			
C. DOC	UMENTS CONSIDERED TO BE RELEVANT					
Category*	Citation of document, with indication, where appr	ropriate, of the relevant passages	Relevant to claim No.			
X,E	US 5,978,695 A (GREENWALD et al) 1999), see entire patent.	02 November 1999 (02-11-	1, 24			
A,E	US 6,032,071 A (BINDER) 29 Febru entire patent.	ary 2000 (29-02-2000), see	1-29			
A,E	US 6,014,451 A (BERRY et al) 11 Jan entire patent.	uary 2000 (11-01-2000), see	1-29			
A,E	US 5,995,867 A (ZAVISLAN et al) 1999), see entire patent.	30 November 1999 (30-11-	1-29			
Furt	her documents are listed in the continuation of Box C.	See patent family annex.				
"A" de	pecial categories of cited documents: ocument defining the general state of the art which is not considered	"T" later document published after the in date and not in conflict with the applie principle or theory underlying the in	cation but cited to understand the			
"E" c	to be of particular relevance artier document published on or after the international filing date ocument which may throw doubts on priority claim(s) or which is	"X" document of particular relevance; the considered novel or cannot be considered when the document is taken alone				
ci \$[ited to establish the publication date of another citation or other pecial reason (as specified)	"Y" document of particular relevance; to considered to involve an inventive combined with one or more others to	e step when the document is			
-P- d	**Comment referring to an oral disclosure, use, exhibition or other means **P" document published prior to the international filing date but later than the priority date claimed					
Date of the	actual completion of the international search	Date of mailing of the international se	arch report			
02 JUNE	E 2000	21 JUN 2000				
Commissi Box PCT	mailing address of the ISA/US ioner of Patents and Trademarks on, D.C. 20231	Authorized officer FRANK FONT	Sun Ra			
Facsimile		Telephone No. (703) 308-0956				

AUG - 7 2000

PATENT COOPERATION TREATY

From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: KENNETH J. LUKACHER 3136 WINTON ROAD SOUTH SUITE 304		PCT		
ROCHESTER NY 14623		INTERN	TION OF TRANSMITTAL OF— NATIONAL PRELIMINARY AMINATION REPORT (PCT Rule 71.1)	
		Date of Mailing (day/month/year)	0 3 AUG 2000	
Applicant's or agent's file reference ML-0486PCT		IMP	PORTANT NOTIFICATION	
International application No.	International filing date	(day/month/year)	Priority Date (day/month/year)	
PCT/US99/20997	13 SEPTEMBER 1	999	14 SEPTEMBER 1998	
Applicant				
LUCUD, INC.				

- 1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
- 2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
- 3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 20(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks

Box PCT Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

FRANK G. FONT

Telephone No. (703) 308-0956

is heree kustin

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	1				
ML-0486PCT	FOR FURTHER ACTION	See Notifi Preliminary	cation of Transmittal of International Examination Report (Form PCT/IPEA/416)		
International application No.	International filing date (day/	month/year)	Priority date (day/month/year)		
PCT/US99/20997	13 SEPTEMBER 1999	·	14 SEPTEMBER 1998		
International Patent Classification (IPC) or national classification and IPC IPC(7): A61B 5/05; G01N 21/64 and US Cl.: 600/407, 414, 415, 476; 356/244; 250/216, 234, 461.2					
Applicant LUCUD, INC.					
This international preliming Examining Authority and is	ary examination report ha transmitted to the applicant	s been prepa according to	ared by this International Preliminary Article 36.		
2. This REPORT consists of a	total of sheets.		•		
This report is also accombeen amended and are the	panied by ANNEXES, i.e., si	sheets containi	cription, claims and/or drawings which have ng rectifications made before this Authority under the PCT).		
These annexes consist of a to	otal of sheets.				
3. This report contains indication	ns relating to the following	items:			
I X Basis of the repo	rt .				
II Priority					
III Non-establishmer	nt of report with regard to i	ovelty, inven	tive step or industrial applicability		
IV Lack of unity of	invention				
V X Reasoned stateme	ent under Article 35(2) with ranations supporting such state	egard to novel	ty, inventive step or industrial applicability		
VI Certain documents	s cited				
VII Certain defects in	the international application				
VIII Certain observation	ons on the international applica	ation			
Date of submission of the demand	Da	ite of completion	on of this report		
12 APRIL 2000		28 JULY 200	0		
Name and mailing address of the IPEA		thorized office			
Commissioner of Patents and Trade Box PCT Washington, D.C. 20231	marks	FRANK G.	FONT		
Washington, D.C. 20231 Facsimile No. (703) 305-3230	Te	lephone No.	(703) 308-0956 Device A		

Form PCT/IPEA/409 (cover sheet) (July 1998)*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

	International	application	No.
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PCT/US99/20997

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	elements of the internation as	originally filed	
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pages	NONE		, filed with the demand
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x the claims.			
pages		as amended (together wit	as originally filed
pages	NONE	, as amended (together wit	in any statement, under Article 19 filed with the demand
pages	NONE	, filed with the letter of	, med aidi die demand
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x the drawing	s:		
pages	1-2		, as originally file
pages	NONE		, filed with the demand
pages	NONE	, filed with the letter of	
v the second	ence listing part	of the	
description:	NONE		, as originally filed
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pages	NONE	. filed with the letter of	
the language or 55.3).	of the translation furn	the international application (under Rule 4 nished for the purposes of international prelimin ramino acid sequence disclosed in the intern	ary examination (under Rules 55.2 and
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		application in printed form.	ım.
		tional application in computer readable for	ш.
furnished s	ubsequently to this	Authority in written form.	
	• •	Authority in computer readable form.	
The statement international	ent that the subsequal application as file	uently furnished written sequence listing do d has been furnished.	es not go beyond the disclosure in
The stateme been furnish	nt that the informationed.	on recorded in computer readable form is ident	tical to the writen sequence listing ha
x The amend	nents have resulted	d in the cancellation of:	
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· · · · · · · · · · · · · · · · · · ·	lrawings, sheets /fig		gings they have here as addened to
This report	nas been drawn as if ((some of) the amendments had not been made. s indicated in the Supplemental Box (Rule 70.2(c	Since they have been considered to go
neyond the	r uisciosure as illeu, as <i>is which have been fur</i>	s maleated in the supplemental box (rule 10.2(c) mished to the receiving Office in response to an i	 invitation under Article 14 are referred
in this report as	"originally filed" and	mished to the receiving Office in response to an i d are not annexed to this report since they do	not contain amendments (Rules 70.
and 70.17).	t sheet containing sur	ch amendments must be referred to under item	1 l and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US99/20997

statement			
Novelty (N)	Claims	1-29	YE
140Acmà (14)	Claims	NONE	NC
Inventive Step (IS)	Claims	.1-29	YE
mvenuve step (15)	Claims	NONE	NO
	Claima	1-29	YI
Industrial Applicability (IA)	Claims Claims	NONE	NO.
method for imaging of surgical biopsies wh provide a tissue specimen, encapsulating an	excised tissue sn	ecimen under compression in a transpa	rem cassette, scanning
said cassette to provide image for patholog NEW CITATIONS NONE	cical examination.		
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US99/20997

	Box then the space in any of of: Boxes I - VIII					Sheet 10
I. BASIS OF						
5. (Some) amen	ndments are considered to	go beyond the discl	osure as filed:			
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REC'D JUN 26 2000 From the INTERNATIONAL SEARCHING AUTHORITY KENNETH J. LUKACHER HARRIS BEACH &WILCOX, LLP THE GRANITE BUILDING 130 EAST MAIN STREET NOTIFICATION OF TRANSMITTAL OF **ROCHESTER NY 14604-1687** THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION (PCT Rule 44.1) Date of Mailing **21** JUN 2000 (day/month/year) Applicant's or agent's file reference FOR FURTHER ACTION See paragraphs 1 and 4 below 120352/ML-0486PCT International application No. International filing date (day/month/year) PCT/US99/20997 13 SEPTEMBER 1999 **Applicant** LUCUD, INC. The applicant is hereby notified that the international search report has been established and is transmitted herewith. Filing of amendments and statement under Article 19: The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46): The time limit for filing such amendments is normally 2 months from the date of transmittal of the international search report; however, for more details, see the notes on the accompanying sheet. Where? Directly to the International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35 For more detailed instructions, see the notes on the accompanying sheet. The applicant is hereby notified that no international search report will is established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that: the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices. no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made. 4. Further action(s): The applicant is reminded of the following: Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90 bis 1 and 90 bis 3, respectively, before the completion of the technical preparations for international publication. Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later). Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II. Name and mailing address of the ISA/US Authorized officer

FRANK FONT

(703) 308-09

Telephone No.

Facsimile No. (703) 305-3230 Form PCT/ISA/220 (July 1998)*

Washington, D.C. 20231

Commissioner of Patents and Trademarks

(See notes on accompanying sheet)



PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 120352/ML-0486PCT	FOR-FURTHER see Notification of Transmittal of International Search Report (ACTION PCT/ISA/220) as well as, where applicable, item 5 below.		
International application No.	International filing date	(day/month/year)	(Earliest) Priority Date (day/month/year)
PCT/US99/20997	13 SEPTEMBER 1999 14 SEPTEMBER 1998		14 SEPTEMBER 1998
Applicant LUCUD, INC.			
This international search report has bee according to Article 18. A copy is being This international search report consists	g transmitted to the Internal		thority and is transmitted to the applicant
X It is also accompanied by a c	opy of each prior art docum	nent cited in this rep	port.
language in which it was filed, the international search was Authority (Rule 23.1(b)).	unless otherwise indicated carried out on the basis o and/or amino acid sequence	under this item. f a translation of th	is of the international application in the ne international application furnished to this emational application, the international search
contained in the international	al application in written for	m.	
filed together with the inten	national application in comp	puter readable form.	
furnished subsequently to the	is Authority in written for	n.	
furnished subsequently to the	is Authority in computer re	eadable form.	
1 1 1	equently furnished written	sequence listing de	oes not go beyond the disclosure in
the the statement that the information furnished.	ation recorded in computer r	eadable form is ident	ical to the written sequence listing has been
2. Certain claims were found	l unsearchable (See Box I).	
3. Unity of invention is lack	ing (See Box II).		
4. With regard to the title,			
x the text is approved as sub-	mitted by the applicant.		
the text has been establishe	d by this Authority to read	as follows:	
5. With regard to the abstract,			
X the text is approved as sub-	mitted by the applicant.		
	ed, according to Rule 38.2(, within one month from the nents to this Authority.		
6. The figure of the drawings to be p	ublished with the abstract i	s Figure No	-
as suggested by the applica	ınt.		None of the figures.
X because the applicant failed	d to suggest a figure.	٠	
because this figure better of	haracterizes the invention.		

A. CLASSIFICATION OF SUBJECT MATTER							
IPC(7) :A61B 5/05; G01N 21/64 US CL :600/407, 414, 415, 476; 356/368; 250/216, 234, 461.2							
US CL:600/407, 414, 415, 476; 356/368; 250/216, 234, 461.2 According to International Patent Classification (IPC) or to both national classification and IPC							
B. FIELDS SEARCHED							
	ocumentation searched (classification system followed	by classification-symbols)					
U.S. : 6	600/407, 414, 415, 421, 476; 356/368; 250/216, 234, 4	01.1, 401.2					
	ion searched other than minimum documentation to the	extent that such documents are included	in the fields searched				
NONE							
Electronic d	ata base consulted during the international search (nam	ne of data hase and, where practicable,	search terms used)				
USPTO A		p ,	,				
C. DOC	UMENTS CONSIDERED TO BE RELEVANT						
Category*	Citation of document, with indication, where app	ropriate, of the relevant passages	Relevant to claim No.				
X,E	US 5,978,695 A (GREENWALD et al) 1999), see entire patent.	02 November 1999 (02-11-	1, 24				
A,E	US 6,032,071 A (BINDER) 29 Febru entire patent.	ary 2000 (29-02-2000), see	1-29				
A,E	US 6,014,451 A (BERRY et al) 11 Jan entire patent.	uary 2000 (11-01-2000), see	1-29				
A,E	US 5,995,867 A (ZAVISLAN et al) 1999), see entire patent.	30 November 1999 (30-11-	1-29				
Furti	her documents are listed in the continuation of Box C.	See patent family annex.	*				
• S ₁	pecial categories of cited documents:	"T" later document published after the int					
	ocument defining the general state of the art which is not considered be of particular relevance	date and not in conflict with the applic principle or theory underlying the in-					
	arlier document published on or after the international filing date	"X" document of particular relevance; the					
"L" did	document which may throw doubts on priority claim(s) or which is considered novel or cannot be considered to involve an inventive step when the document is taken alone						
	cited to establish the publication date of another citation or other special reason (as specified) "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is						
"O" do	O" document referring to an oral disclosure, use, exhibition or other means combined with one or more other such documents, such combination						
	being obvious to a person skilled in the art						
Date of the	actual completion of the international search	Date of mailing of the international se	arch report				
02 JUNE	2000	21.JUN 2000 -					
Name and	mailing address of the ISA/US oner of Patents and Trademarks	Authorized officer	$\beta(1)$				
Box PCT		FRANK FONT	X-X-X				
	on, D.C. 20231 No. (703) 305 3230	Telephone No. (703) 308-0956	1 BA				